



EMPLOYMENT TRIBUNALS

Claimants: Mr Morris

Respondents: (1) Excel Passenger Services Ltd
(2) Mr D Kwame

Heard at: London South **On:** 29 July 2022

Before: Employment Judge Khalil (sitting with members)
Ms C Oldfield
Ms Y Walsh

Appearances

For the claimants: in person

For the respondent: in person, assisted by Mr M Kwame (the second respondent's son)

JUDGMENT ON A PRELIMINARY ISSUE

Unanimous Decision

The Tribunal has no jurisdiction to hear a claim of unfair dismissal or breach of contract as the claimant was not an employee under S.230 (1) Employment Rights Act 1996.

The Tribunal has no jurisdiction to hear a claim for protected disclosure detriment under S.47 B Employment Rights Act 1996 or for holiday pay under Regulation 13/30 of the Working Time Regulations 1998 or under s.13/23 Employment Rights Act 1996 as the claimant was not a worker under S.230 (3) (b) Employment Rights Act 1996.

Reasons were given at the time and written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

Public access to Employment Tribunal decisions

All judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Case Number: 2300449/2020

Employment Judge Khalil

29 July 2022

